

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

ORDER

Crim. No. 10-69 (11) (MJD)

Ivan Aguirre,

Defendant.

This matter is before the Court on Defendant's *pro se* letter/motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

On July 2, 2010, Defendant pled guilty to Count 1 of the Superseding Indictment which charged conspiracy to distribute and possess with intent to distribute 5 kilograms or more of cocaine, 500 grams or more of methamphetamine, 100 kilograms or more of marijuana and 1000 tablets (250 grams) of MDMA ("ecstasy") in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), (b)(1)(C) and 846.

On December 16, 2010, Defendant appeared before the Court for sentencing. The Court found that the total offense level was 35 and that Defendant's criminal history category was VI, resulting in a guideline range of 292-365 months. The Court varied downward from the applicable range and

sentenced Defendant to a term of imprisonment of 200 months.

Defendant seeks to file a motion for a sentence reduction based on Amendment 782 to the Sentencing Guidelines which lowered the drug quantity base offense levels applicable to certain drug offenses. The Court finds, however, that Defendant is not eligible for a sentence reduction as he was sentenced to a term of imprisonment that is below the amended guideline range for Count 1, which is 262-327 months.

IT IS HEREBY ORDERED that Defendant's Letter/Motion for Reduction of Sentence is DENIED.

Date: December 9, 2015

s/ Michael J. Davis
Michael J. Davis
United States District Court